

CHAPTER 35

MANUFACTURED BUILDINGS, MANUFACTURED BUILDING COMPONENTS
AND MANUFACTURED HOUSING
(This Chapter is entirely unique to Massachusetts)

780 CMR 3501.0 GENERAL

3501.1 Scope: The provisions of 780 CMR 35 shall govern the materials, design, manufacture, handling, storage, transportation, assembly, construction and/or installation of *manufactured buildings* and *manufactured building components* intended for installation in the Commonwealth of Massachusetts. *Manufactured buildings or manufactured building components* shall not be installed in any jurisdiction of the Commonwealth of Massachusetts unless such *manufactured buildings* or *manufactured building components* have been approved and certified in accordance with 780 CMR 35, applicable provisions of 780 CMR, and the Rules and Regulations for *Manufactured Buildings, Manufactured Building Components and Manufactured Housing*, 780 CMR R3, as listed in *Appendix A*.

3501.2 Manufactured housing: When constructed in accordance with the Code of Federal Regulations (CFR) Title 24, Chapter XX - Office of Assistant Secretary for Housing - Federal Housing Commissioner, Department of Housing and Urban Development, Parts 3280, Manufactured home construction and safety standards, and 3282, Manufactured home procedural and enforcement regulations; manufactured housing shall be exempt from the provisions of 780 CMR 35.

Exceptions:

- 1. Foundations for *manufactured housing* shall conform to 780 CMR 1806 through 1813, or 780 CMR 3604 as applicable;
- 2. Additions, (when not a *manufactured home* as defined herein) and site built modifications shall conform to 780 CMR in its entirety, as applicable.

780 CMR 3502.0 DEFINITIONS

3502.1 General: The following words and terms shall, for the purposes of 780 CMR 35 and as used elsewhere in 780 CMR, shall have the meaning shown herein.

Approved: Approval by the State Board of Building Regulations and Standards (BBSR).

Manufactured Building Component: Any manufactured subsystem, manufactured sub-assembly, or other manufactured system designed for use in or part of a structure having concealed elements such as electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety, including variations which are submitted as part of the building systems.

Certification: Any manufactured building, manufactured building component or *manufactured housing* which meets the provisions of applicable codes and 780 CMR R3 pursuant thereto, as listed in *Appendix A*; which has been labeled accordingly.

Code: 780 CMR (The Commonwealth of Massachusetts State Building Code) or specialized codes as defined herein, and as listed in *Appendix A*.

Department (DPS): The Department of Public Safety, Division of Inspections.

Inspection Agency: An independent agency, sometimes referred to as the “third-party agency”, retained by the manufacturer and approved by the BBSR to perform inspections and evaluations of manufactured building systems, compliance assurance programs, manufactured buildings and manufactured building components.

Installation: The process of affixing, or assembling and affixing a manufactured building, manufactured building component or manufactured housing unit(s) on the building site, and connecting it to utilities, and/or to an existing building. Installation may also mean the connecting of two or more manufactured housing units designed and approved to be so connected for use as a dwelling.

Installer of Manufactured Building: An individual, who on the basis of training and experience, has been certified by a specific manufacturer of manufactured homes as competent to supervise the placement and connection required to install the manufactured homes of that manufacturer. Said certification by the manufacturer shall be in writing;

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additionally, the certified installer shall possess picture identification in the form of a driver's license or other picture identification acceptable to the building official.

Local Enforcement Agency: A department or agency in a municipality charged with the enforcement of 780 CMR and appropriate specialized codes which include, but are not limited to, 248 CMR (the State Fuel Gas and Plumbing Code) and 527 CMR 12.00 (the State Electrical Code), as listed in *Appendix A*.

Manufactured Building: Any manufactured building which has concealed elements, such as electrical, mechanical, plumbing, fire protection, insulation, and other systems affecting health and safety, and which is manufactured or assembled in accordance with 780 CMR and pertinent regulations, in manufacturing facilities, on or off the building site. Also, any manufactured building as defined above which does not have concealed elements, but which has been approved by the BBRS at the request of the manufacturer. "Manufactured building" does not mean "manufactured home".

Manufactured Homes (Housing): As defined in 24 CFR, Part 3280.2; a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (See 24 CFR, Part 3280.2 for a more detailed description of manufactured homes as defined by the Department of Housing and Urban Development.)

Specialized Code: All building codes, rules or regulations pertaining to building construction, reconstruction, alteration, repair, or demolition promulgated by and under the authority of the various agencies which have been authorized from time to time by the General Court of the Commonwealth of Massachusetts. The

Label: An approved device or seal evidencing certification in accordance with the applicable codes and rules and regulations promulgated pursuant thereto, and as listed in *Appendix A*.

specialized codes shall include, but are not limited to, 248 CMR (the State Fuel Gas and Plumbing Code) and 527 CMR 12.00 (the Electrical Code), as listed in *Appendix A*.

780 CMR 3503.0 CONSTRUCTION DOCUMENTS

3503.1 Building System Plans: The building system plans shall show in sufficient detail the approved system to which the *manufactured building* or *building component* was produced; including foundation connection details, component connection details, emergency escape window locations and sizes, structural design loads, the manufacturer's data plate, the location of all labels required of 780 CMR 35 and 780 CMR R3, and other details as may be required by the Division of Inspection. The building system plan shall bear evidence of the approval of the Division of Inspection and evidence of third party engineering review.

780 CMR 3504.0 APPROVAL

3504.1 General: The Commonwealth of Massachusetts, Department of Public Safety, Division of Inspection (hereinafter referred to as the "Division of Inspection" in 780 CMR 35) shall evaluate *manufactured buildings* and *building components* and recommend approval to the BBRS of those which it determines to be in compliance with applicable sections of 780 CMR 35, other applicable sections of 780 CMR, and 780 CMR R3, as listed in *Appendix A*.

All approvals of plumbing, electrical or gas systems shall be made by the appropriate state agencies having jurisdiction, as specified in 780 CMR R3, as listed in *Appendix A*.

3504.2 Approved tests: The Division of Inspection may utilize the results of approved tests to determine whether a *manufactured building* or *manufactured building component* meets the requirements of 780 CMR 35 and the 780 CMR R3 as listed in *Appendix A*, if that determination cannot be made from evaluation of plans, specifications and documentation alone.

3504.3 Approval of compliance assurance programs: The Division of Inspection shall evaluate manufacturers' compliance assurance

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programs and make recommendations for approval to the BBRs of those which it determines to be in compliance with 780 CMR 35 and 780 CMR R3, listed in *Appendix A*.

3504.4 Authorization to vary: A *manufactured building, manufactured building component* or a

780 CMR 3505.0 CERTIFICATION

3505.1 Labeling: Any *manufactured building* or *manufactured building component* heretofore approved, in accordance with 780 CMR 3504.0, shall have an approved device or seal affixed as certification of such approval.

780 CMR 3506.0 RECIPROCITY

3506.1 General: If the BBRs finds that the standards for manufacture and inspection of *manufactured buildings* or *manufactured building components* prescribed by the statutes or the rules and regulations of another state or other governmental agency meet the objectives of 780 CMR 35 and 780 CMR R3, listed in *Appendix A*, and such standards are enforced satisfactorily by such other state or governmental agency or by its agents, the BBRs may grant approval and the Division of Inspection shall accept all *manufactured buildings* or *manufactured building components* which have been approved in accordance with this section by such other state or governmental agency and shall insure that the product is properly labeled.

3506.1.1 Condition of reciprocity: The standards of another state shall not be deemed to be satisfactorily enforced unless such other state provides for notification to the BBRs of suspensions or revocations of approvals issued by that state, in a manner satisfactory to the BBRs.

3506.2 Suspension of reciprocal approval: Upon recommendation from the Division of Inspection, the BBRs shall suspend or cause to be suspended reciprocal approval for the following reasons:

1. Determination that the standards for the manufacture and inspection of such *manufactured buildings* or *manufactured building components* of another state or other governmental agency do not meet the objectives of 780 CMR 35 and 780 CMR R3, listed in *Appendix A*, or that the standards are not being enforced to the satisfaction of the Division of Inspection or BBRs; and
2. if another state or governmental agency, or its agent, suspends or revokes said approval, the approval granted under 780 CMR 3506.2 shall be suspended or revoked accordingly.

compliance assurance program heretofore approved in accordance with 780 CMR 3503.3, shall not be varied in any way without prior authorization by the BBRs in accordance with 780 CMR R3, as in *Appendix A*.

**780 CMR 3507.0 ASSURANCE
INSPECTION**

3507.1 General: Any person or firm producing *manufactured buildings* or *manufactured building components* applying for certification shall agree in writing that the Division of Inspection or the BBRs has the right to conduct unannounced inspections at any reasonable time.

3507.2 Responsibilities of Division of Inspection: The Division of Inspection shall carry out the following responsibilities:

1. Periodically make, or cause to be made, inspections of the entire process of the production of *manufactured buildings* or *manufactured building components* in order to verify the reliability of the compliance assurance program and of the approved *inspection agency*.
2. In addition to other on-site inspection provided for in 780 CMR 3507.2, the Division of Inspection shall inspect, or cause to be inspected, certified *manufactured buildings* or *manufactured building components* which it determines to have been sufficiently damaged after certification to warrant such action with regard to such *manufactured buildings* or *manufactured building components* as is authorized hereof, or as is otherwise necessary to eliminate dangerous conditions.

Note: An inspection entailing disassembly, damage to or destruction of certified *manufactured buildings* or *manufactured building components* shall not be conducted except to implement the provisions of 780 CMR 35.

**780 CMR 3508.0 RESPONSIBILITY OF
THE LOCAL ENFORCEMENT
AGENCIES**

3508.1 Issuance of building permits: Upon application and in conformity with the provisions of 780 CMR, the building official shall issue building permits for installation of certified *manufactured buildings, manufactured building components* or *manufactured housing*.

3508.1.1 Licensed Construction Supervisors and Certified Installers: A construction supervisor, duly licensed in accordance with

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780 CMR R5, shall, in accordance with 780 CMR 108.3.5, act as the agent for the owner for the purpose of applying for and obtaining any and all building permits required for the field erection of all one or two family manufactured dwellings subject to the provisions of 780 CMR 35 and applicable 780 CMR R3.

As part of the building permit application process, the licensed construction supervisor shall submit to the building official, in writing,

The licensed construction supervisor shall be responsible for the construction of the foundation system, and all pertinent site work, in accordance with 780 CMR 35 and 780 CMR R3 listed in *Appendix A*. The licensed construction supervisor shall provide at least 48 hours notice to the building official before the placement and connection of such units shall begin.

3508.2 Inspection: The local enforcement agency shall make the following inspections:

1. The site preparation work, including foundations, installation of any certified *manufactured buildings* or *manufactured building components* or approved homes; and for all utility service connections, including plumbing, electrical, gas, water and sewer; for compliance with the applicable codes.
2. Inspect all certified *manufactured buildings* or *manufactured building components* or approved *manufactured homes* upon, or promptly after, installation at the building sites to determine whether all applicable instructions or conditions have been followed. This may include tests for tightness of plumbing and mechanical systems, for malfunctions in the electrical system, and a visual inspection for obvious violations of 780 CMR R3. Destructive disassembly of certified *manufactured buildings* or *manufactured building components* or approved *manufactured homes* shall not be performed in order to conduct such inspections. Nondestructive disassembly may be performed only in accordance with 780 CMR R3.

Note: Notification to the BBRs. When any local enforcement agency finds a violation or

the name of the installer, who shall be duly certified by the manufacturer to install said manufacturer's product, and is identified as a *certified installer of manufactured buildings* (certified installer) by said manufacturer. The certified installer shall be responsible for the safe and proper placement and connection of the manufactured home units in accordance with 780 CMR 35, 780 CMR R3 and specialized codes as listed in *Appendix A*.

suspects a violation exists, said violation or suspected violation shall be reported to the BBRs in accordance with 780 CMR R3.5.6.

3508.3 Issuance of certificates of occupancy:

The building official shall issue a certificate of occupancy for all certified *manufactured buildings* or approved *manufactured homes* that have been installed and inspected and that meet the requirements of 780 CMR.

780 CMR 3509.0 SUSPENSION OR REVOCATION OF CERTIFICATION

3509.1 General: The Board shall suspend or revoke the approval of any *manufactured building* or *manufactured building component* which does not comply with the provisions of 780 CMR or with 780 CMR R3.

3509.2 Labels of certification: The Division of Inspection shall remove or cause to be removed the *label* of certification from any such *manufactured building* or *building component* not in compliance until such time as it is brought into compliance with 780 CMR 35 and 780 CMR R3.

3509.3 Notice of suspension or revocation: Notice shall be submitted in writing to the affected parties stating the reason for the suspension or revocation.

3509.4 Appeals Procedure: All appeals from suspension or revocation shall be heard by the State Building Code Appeals Board as specified in the pertinent provisions of 780 CMR 122.0.